

PATENT APPLICATION FEE DETERMINATION RECORD

Effective January 1, 2003

Application or Docket Number

1602/60903

CLAIMS AS FILED - PART I

(Column 1) (Column 2)

TOTAL CLAIMS	43	
FOR	NUMBER FILED	NUMBER EXTRA
TOTAL CHARGEABLE CLAIMS	51 minus 20=	* 31
INDEPENDENT CLAIMS	7 minus 3 =	* 4
MULTIPLE DEPENDENT CLAIM PRESENT		<input checked="" type="checkbox"/>

* If the difference in column 1 is less than zero, enter "0" in column 2

SMALL ENTITY
TYPE OR OTHER THAN
SMALL ENTITY

RATE	FEES	RATE	FEES
BASIC FEE	375.00	OR BASIC FEE	750.00
X\$ 9=		OR X\$18=	558
X42=		OR X84=	336
+140=		OR +280=	280
TOTAL		OR TOTAL	1924

CLAIMS AS AMENDED - PART II

(Column 1) (Column 2) (Column 3)

AMENDMENT A	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA
Total	* 65	Minus	** 51 = 14
Independent	* 8	Minus	*** 7 = 1
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM			<input type="checkbox"/>

SMALL ENTITY OR OTHER THAN
SMALL ENTITY

RATE	ADDITIONAL FEE	RATE	ADDITIONAL FEE
X\$ 9=		OR X\$18=	200
X42=		OR X84=	
+140=		OR +280=	
TOTAL ADDIT. FEE		OR TOTAL ADDIT. FEE	200

AMENDMENT B	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA
Total	*	Minus	** =
Independent	*	Minus	*** =
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM			<input type="checkbox"/>

RATE	ADDITIONAL FEE	RATE	ADDITIONAL FEE
X\$ 9=		OR X\$18=	
X42=		OR X84=	
+140=		OR +280=	
TOTAL ADDIT. FEE		OR TOTAL ADDIT. FEE	

AMENDMENT C	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA
Total	*	Minus	** =
Independent	*	Minus	*** =
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM			<input type="checkbox"/>

RATE	ADDITIONAL FEE	RATE	ADDITIONAL FEE
X\$ 9=		OR X\$18=	
X42=		OR X84=	
+140=		OR +280=	
TOTAL ADDIT. FEE		OR TOTAL ADDIT. FEE	

* If the entry in column 1 is less than the entry in column 2, write "0" in column 3.
** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20."
*** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3."

The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.

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Attorney Docket: 01662/60903

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor : Dolitzky *et al.*

Art Unit : 1624

Serial No.: 10/649,399

Examiner : Mark L. Berch

Filing Date: August 26, 2003

Fee only

For: CRYSTALLINE SOLID FAMCICLOVIR FORMS I, II, III AND PREPARATION
THEREOF

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO OFFICE ACTION

SIR:

Applicants petition for a three-month extension of time for responding to the Office Action dated August 30, 2005, wherein the petition fee can be charged to Deposit Account No. 11-0600. In response to the Office Action, applicants request that the application be amended as shown below.

Claim Amendments begin on page 2.

Remarks begin on page 8.

WO 2000/06573 does not disclose crystalline famciclovir form I or II. The Office Action asserts that WO 2000/06573 discloses triturating famciclovir with diethyl ether in Synthesis Example 11. However, Synthesis Example 11 of WO 2000/06573 merely discloses that a white powder was isolated after the **elaboration**, with diethyl ether, of a mixture containing crude anhydrous famciclovir (page 16, lines 7-9; emphasis added). WO 2000/06573 does not disclose trituration of anhydrous famciclovir with diethyl ether because elaboration does not mean trituration. WO 2000/06573 does not anticipate claim 18 because WO 2000/06573 does not disclose triturating anhydrous famciclovir in diethyl ether, isopropanol or acetonitrile. Following the process in WO 2000/06573 would not necessarily result in crystalline famciclovir form I containing less than 5% of another form of crystalline famciclovir, or crystalline famciclovir form II containing less than 5% of another form of crystalline famciclovir. Withdrawal of the anticipatory rejection of claims 1-10, 18, 19 and 31 over WO 2000/06573 is requested.

Page 3 of the Office Action indicates that Brand et al, *Tetrahedron* (1999) 55: 5239-5252, used aqueous acetone to crystallize famciclovir (page 5251, line 1). But page 2 of the Office Action does not reject any claims over Brand et al. Applicants request that the next Office Action explains which claim, if any, is rejected over Brand et al, so that applicants can respond.

Page 4 of the Office Action comments that, concerning claims 37-43, the crystalline form will dissolve if the excipient is water. Applicants note that claims 37-43 have been amended to direct to solid pharmaceutical compositions. Thus, the form of the compositions as claimed are not dissolved in water. Withdrawal of the rejection of claims 37-43 is requested.

In the event that the filing of this paper is deemed not timely, applicants petition for an appropriate extension of time. The petition fee and any other fees that may be required in relation to this paper can be charged to Deposit Account No. 11-0600 referencing Attorney Docket No. 01662/60903.

Respectfully submitted,

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Dated: February 28, 2006

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